

REMARKS

Claims 1-4 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Ueda (US 6,289,102) in view of Aizawa (US 5,646,993).

Claim 1, as amended, recites that a decoding key is discarded when it is confirmed that the playback state of the digital medium has changed. Applicants respectfully submit that the combination of Ueda and Aizawa fails to disclose or suggest at least this feature of amended claim 1.

Regarding Ueda, Applicants note that the Examiner recognizes in the Office Action that this reference does not disclose the ability to discard a decoding key.

Regarding Aizawa, Applicants note that this reference discloses a method for protecting data stored on a recording medium which includes the steps of erasing an encryption key and a decoding program. In particular, in Aizawa, information to be protected against a copying operation is enciphered and recorded on an information recording/reproducing section of a disk, and an encryption key 14 and a decoding program 15 are recorded on a ROM section of the disk (see col. 5, lines 30-35).

When information is to be reproduced in Aizawa, the decoding program 15 is reproduced, and the information unit erases the encryption key 14 and the decoding program 15 (see col. 5, lines 35-38). Thus, in Aizawa, if the information on the disk is copied to another disk, the encryption key 14 and the decoding program 15 are erased, and the decoding program is terminated, thereby preventing copying of the information recorded on the optical disk (see col. 5, lines 39-45).

In the Response to Arguments section of the Office Action, the Examiner asserts that Aizawa discloses the ability to erase decoding keys after information has been produced (see Office Action at page 3).

As noted above, however, claim 1 has been amended to recite that a decoding key is discarded when it is confirmed that the playback state of the digital medium has changed. Thus, according to the present invention, a decoding key is not discarded after information has been produced, but instead, the decoding key is discarded when it is confirmed that the playback state of the digital medium has changed.

Accordingly, while Aizawa may disclose the ability to discard a decoding key after information has been produced, Applicants respectfully submit that Aizawa does not disclose or even suggest that a decoding key is discarded when it is confirmed that the playback state of the digital medium has changed, as recited in amended claim 1.

In view of the foregoing, Applicants submit that the combination of Ueda and Aizawa does not render obvious all of the features recited in amended claim 1. Therefore, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Moreover, Applicants note that claim 1 recites the feature of a playback state obtaining means for monitoring the playback state of a digital medium. In the previous response, Applicants argued that the Examiner's position that Ueda discloses such a feature was incorrect. Applicants note, however, that the Examiner did not respond to this argument in the present Office Action.

In accordance with MPEP 707.07(f), "where applicant traverses any rejection, the examiner, should, if he or she repeats the rejection, take note of the applicant's argument and

answer the substance of it.” Thus, as the Examiner did not answer Applicant’s argument in the present Office Action, Applicant respectfully requests that the Examiner answer the substance of Applicant’s argument in the next Office paper if this rejection is maintained.

In particular, regarding the above-noted feature, Applicants note that Examiner has apparently taken the position that the issuance of a PLAY AV command by the host computer 1 of Ueda corresponds to a playback state obtaining means for monitoring the playback state of the digital medium (see Office Action at page 2 in which the Examiner cites to col. 9, line 64 - col. 10, line 5 and col. 12, lines 36-47 of Ueda). Applicants respectfully disagree.

Specifically, Applicants note that while Ueda discloses a host computer 1 that is able to issue a PLAY AV command to a disk reproducing device 2, Applicants respectfully submit that the mere issuance of such a command does not correspond to a playback state monitoring means for monitoring the playback state of the digital medium.

In other words, while Ueda discloses the ability to issue a command such as PLAY AV to a reproducing device, wherein the issuance of the command results in data being transferred to the host computer 1, Applicants respectfully submit that there is absolutely no disclosure in Ueda regarding the monitoring of a playback state, as recited in claim 1. Further, Applicants respectfully submit that Aizawa fails to cure this deficiency of Ueda.

In view of the foregoing, Applicants respectfully submit that the cited prior art also fails to disclose, suggest or otherwise render obvious the feature of a playback state obtaining means for monitoring the playback state of the digital medium, as recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested.

Regarding claim 3, Applicants note that this claim depends from claim 1 and is therefore considered patentable at least by virtue of its dependency.

II. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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